IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 290 OF 2006
IN
NOTICE OF MOTION NO. 4390 OF 2005
IN
S.C. SUIT NO. 1829 OF 2005

Surajnath Gendalal Chaturvedi & Ors. .. Appellants.

V/s.

B.L.Ruia (Multi Purpose) High School & Anr. .. Respondents.

Mr.Suresh N. Bhosle for the Appellants.

Mr.P.G.Lad for the Respondents.

CORAM : S. A. BOBDE, J.

DATED : 03rd JULY, 2007.

P.C. :-

. This Appeal is against the order dated 24th Feb.2006, by which the trial court has appointed the respondent as agent of the court receiver. Earlier, a receiver was appointed in Notice of Motion No 1554/2005 and the said appointment was challenged before this court and has been admittedly upheld.

2. The only contention raised on behalf of the appellants is that the appointment of the respondent as

agent of the court receiver amounts to granting a final relief, since according to the learned counsel, the appellants are in possession for a long time. This argument cannot be accepted. In this case, the respondent has filed the suit under section 6 of the Specific Relief Act and in that he prayed for appointment of a court receiver, which was earlier granted. Now the learned trial court has appointed the respondent as agent of the court receiver. There is no illegality in the said appointment and none is shown.

3. In this view of the matter, there is no merit in the appeal which is hereby dismissed.

(S.A.BOBDE,J.)

.....